

**Testimony of Barry F. Lowenkron,
Assistant Secretary of State for Democracy, Human Rights and Labor
before
The House International Relations
Subcommittee on Africa, Global Human Rights
and International Operations
and
Subcommittee on Asia and the Pacific
on
“The U.S.-Vietnam Human Rights Dialogue”
March 29, 2006**

Chairman Smith, Chairman Leach, Members of both Subcommittees,

Thank you for holding this hearing on the human rights situation in Vietnam and for giving me this opportunity to report on the U.S. – Vietnam Human Rights Dialogue, which was held on February 20, 2006 in Hanoi. As you know, Mr. Chairman, Section 702 of Public Law 107-671 requires the Department to submit a report on the U.S.-Vietnam Human Rights Dialogue within 60 days of its conclusion. I will shortly submit a formal report to the Committee, which will reflect my testimony before you today and include the 2005 Country Report on Vietnam’s human rights practices.

I also want to thank the Members of the Committee for your work on behalf of human rights and prisoners of conscience in Vietnam. Your mark-up of House Concurrent Resolution 320 calling upon the Government of Vietnam to immediately and unconditionally release Dr. Pham Hong Son and other political prisoners demonstrates your deep commitment. My Vietnamese interlocutors were well aware of the strong Congressional interest in these prisoners and in Vietnam’s human rights performance as a whole. Your active concern greatly strengthens my hand during the talks.

Mr. Chairman, as you know, the United States suspended the U.S. – Vietnam Bilateral Human Rights Dialogue in 2002 due to lack of progress by the Government of Vietnam (GVN). The historic June 2005 visit by Vietnamese Prime Minister Phan Van Khai to the United States, and his meeting with President Bush, raised our bilateral relationship with Vietnam to a higher plane. The meeting with the President also reinforced for the Vietnamese the importance this Administration attaches to human rights and democracy. The two leaders agreed on the importance of continuing an open and candid dialogue on issues of common concern, including human rights practices and conditions for religious believers and ethnic minorities.

We were very much aware that Vietnam’s willingness to discuss these issues also came after Vietnam’s designation in September 2004 as a Country of Particular Concern (CPC) under the International Religious Freedom Act and against the backdrop of Vietnam’s keen interest in ensuring that there is no U.S. obstacle in the way of Vietnam’s joining the World Trade Organization. In the lead-up to the Prime Minister’s trip, the GVN had improved its legal framework with respect to religion, and in the months before and after

the visit released 17 individuals who had been on the U.S. Government's list of prisoners of concern. Most were released in general amnesties.

And so, at Secretary Rice's request, I led the U.S. Delegation to Vietnam to resume the Dialogue with determination and with hope – determination that the Dialogue be frank, transparent and results-based, and hope that significant further progress can be made. We also went to Vietnam, Mr. Chairman, with no illusions about the human rights situation and how far Vietnam has yet to go to bring its laws and practices into conformity with international standards.

The Government of Vietnam continues to place major restrictions on fundamental freedoms of expression, association, assembly and religion. The government censors domestic media sources, blocks foreign radio broadcasts and websites, and denies its people the right to form independent organizations. Courageous Vietnamese continue to be pressured, harassed, detained and imprisoned for their peaceful expression of dissenting political or religious views.

To underscore the U.S. commitment to human rights, after the conclusion of the Dialogue with Vietnamese officials, I traveled to Ho Chi Minh City where I met with political and religious dissidents. Among them was Dr. Nguyen Dan Que, a leading democracy activist who was released from prison in April 2005. Dr. Que and the other dissidents with whom I met continue courageously to call for peaceful change and a future of freedom for all Vietnamese.

If I may, Mr. Chairman, I will now make some general comments about the tenor and thrust of the Dialogue, before going into the particulars of the discussions.

In the past, Vietnamese officials had been unwilling to engage in meaningful discussions. This time, in contrast, the Vietnamese clearly were prepared to engage us substantively. At the Dialogue, I emphasized to my Vietnamese interlocutors that the protection and promotion of what President Bush calls the “non-negotiable demands of human dignity” are central to our foreign policy and that these non-negotiable demands will be key considerations as we build our bilateral relationships across the globe, including our relationship with Vietnam.

I also stated that while dialogue can play an important role in increasing understanding and narrowing differences, dialogue without concrete progress would not just be an empty exercise, it would be counterproductive. By making concrete progress on human rights, the Government of Vietnam would pave the way for a successful visit by President Bush to Hanoi for the APEC meeting in November. This is a point that Vietnamese officials acknowledged repeatedly during the Dialogue. And I stressed that while it serves our mutual interests to work together on shared concerns such as stemming the spread of avian and pandemic influenza and HIV/AIDS, and fighting terrorism, drug trafficking and other international crimes, the human rights agenda is inseparable from the other dimensions of U.S. policy toward Vietnam.

The GVN agreed to discuss all of the human rights topics that we put forward, which included Criminal Code Reform, Prisoners of Concern, Prison Conditions and Freedom of the Press and the Internet -- topics on which I took the lead for the U.S. delegation. We also discussed religious freedom, on which Ambassador-at-Large for International Religious Freedom John Hanford took the lead and on which he will be testifying before you later today.

My counterpart, Pham Binh Minh, Director General of the International Organizations Department of the Ministry of Foreign Affairs, was ready for a vigorous exchange, as was Vice Minister Le Van Bang, with whom I had a separate meeting. Representatives of many government institutions other than the Ministry of Foreign Affairs participated, such as the Ministry of Public Security, the Ministry of Home Affairs, the Committee for Ethnic Affairs, the Committee for Religious Affairs, the Office of the Government, the Supreme People's Procuracy, the Ministry of Justice, the Ministry of Culture and Information, and the Supreme People's Court. As a result, we were able to press a specific issue of concern with the government institution that has direct responsibility for that issue. For example, the United States delegation was able to share its concerns on criminal code reform directly with representatives of the Ministry of Justice.

Now, Mr. Chairman, I will briefly characterize the discussions of the particular topics on which I took the lead.

With regard to Criminal Code Reform, the Vietnamese National Assembly has amended its criminal procedure code to allow more rights for defendants and set a goal of changing courtroom procedures to an "adversarial" model from the current "investigative" model. I stressed the need for the GVN to bring its criminal code into full conformity with international standards, not least by repealing Administrative Detention Decree 31/CP.

Decree 31 allows the government to detain individuals for broad and ill-defined reasons and without due process. We know of several political and religious dissidents who currently are detained under Decree 31. GVN officials stated that Decree 31 is now under review and that there is a possibility that it may be amended to better conform to international standards, but not abolished. The GVN stressed that no legal document need be permanent.

The GVN said it would welcome U.S. assistance in implementing criminal code reform. Vietnam lacks sufficient numbers of trained judges and lawyers and the legal infrastructure necessary to make long-term improvements. I believe that the U.S. Government, working with international NGOs, can help the GVN bring its criminal code and practices into conformity with international standards so that laws are not used to punish people for exercising their human rights.

With regard to Prisoners of Concern, during the Dialogue, our delegation presented to my counterpart Pham Binh Minh from the Ministry of Foreign Affairs and Vice Foreign Minister Le Van Bang a list of names of 21 prisoners. The list included the names of six Vietnamese imprisoned for political or religious reasons and fifteen who are not in prison

but who are under some form of detention, such as house arrest. The GVN continues to claim that it does not hold anyone for political or religious reasons, and that the people on our list have been found guilty of violating national security laws.

Among the names on our prisoner list is that of prominent physician Dr. Pham Hong Son. Dr. Son was convicted by the GVN for “espionage” for translating an essay on democracy from a Department of State website. I bluntly told GVN officials that the American people will not understand why a country that wants to have better relations with us would imprison someone for translating an article on democracy.

Other prisoners of concern include journalist Nguyen Vu Binh, who was convicted of “espionage” for drafting articles on human rights, Do Van My, who is in prison for reporting on forced relocation and his support for grassroots activism in the countryside, and Phan Van Ban, a 69 year-old former police officer, who was arrested for joining an organization calling for peaceful political change.

Three weeks prior to our delegation’s arrival in Hanoi, the government of Vietnam released high-profile political prisoner Nguyen Khac Toan. Welcoming his release as a step in the right direction, we urged Vietnamese officials to release all prisoners of concern before President Bush’s trip to Hanoi in November for the APEC meeting.

Based on information provided by Vietnamese officials during the Dialogue and conscientiously checked by our Embassy, I understand that of the six political activists whose names are on the list I presented during the Dialogue, four currently remain in prison. Sadly, Tran Van Luong committed suicide late last year. I understand that he fell ill and while in the prison infirmary leaped from a window to his death. Tran Van Hoang was released from prison in June 2005, but was put under house arrest following his release. There has been no change in the status of the fifteen detainees on the list I presented, and we have now added Tran Van Hoang to it, for a total of sixteen people now under house arrest.

Mr. Chairman, in all cases, our objective is not just an accurate report on the status of the prisoners but their release, and we will continue to press hard for the freedom of all remaining prisoners of concern in Vietnam.

With regard to Prison Conditions, we urged the GVN to issue an invitation to the United Nations Working Group on Arbitrary Detention and allow them full access in accordance with their mandate. The last visit to Vietnam by the UN Working Group was in 1994.

Finally, Mr. Chairman, Media Freedom in Vietnam remains significantly limited. The government continues to prohibit any reporting that questions the role of the Party, criticizes individual leaders or promotes human rights and political pluralism. Nevertheless, journalists continue to test the limits by reporting on corrupt members of the Communist Party.

Our Vietnamese interlocutors highlighted the increase in the number of media outlets available via radio, television, the press and the Internet. We made the point, however, that while the growing number of media outlets is a positive development, the issue is not the amount of available programming but the content of the programming.

Currently, there are 8 million Internet users in the country, representing nearly 9 percent of the population. However, Vietnam blocks access to websites it considers politically and morally “dangerous,” including sites of foreign news organizations and human rights organizations. Cyber café owners must register their customers’ personal information with the government. To justify these restrictions, Vietnamese officials decried the evils of the Internet and argued that children could be exposed to pornography, violence and gambling if sites were not controlled.

I believe that the sizeable Vietnamese domestic Internet demand represents a thirst to enter a globalized world. As the Government prepares for the November APEC meeting, I told Vietnamese officials that they must decide which Vietnam they will showcase to the international community: an open Vietnam, or a Vietnam that closes off its people from a world of ideas, information and opportunity.

Mr. Chairman, the United States and Vietnam enjoy cooperative, productive relations in many spheres. We found Vietnam to be a dynamic, resilient, independent country confident enough to compete in a globalized world. Now, it is up to the Government of Vietnam to be confident enough to bring the country’s laws and practices into conformity with international human rights standards and allow the Vietnamese people to exercise their fundamental freedoms of expression, association, assembly and religion.

Mr. Chairman, we will continue to press the Vietnamese government for tangible progress on all the areas covered by the Dialogue. Shortly after my return to the United States, Vice Minister Le Van Bang came in for a follow-up meeting, and I reviewed with him all the issues we discussed during the Dialogue. I reiterated to the Vice Minister what I had said to him and his colleagues in Hanoi, that the United States is prepared to help Vietnam advance its reform efforts, and to that end, that I am willing to meet here at any time with Vietnamese officials and also to consider a return trip to Vietnam.

Let me close, Mr. Chairman, by emphasizing to you what I repeatedly stressed to our Vietnamese interlocutors: The Dialogue was a good start, but if it is to continue, we must see real results.

Thank you, Mr. Chairman.